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AT ABINGDON, VA
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AUG 22 2023

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP

UNITED STATES OF AMERICA :

v. :

LYNN EDWARD ("PETIE") BOWEN II :

Case No. 2:22-CR-00010

Violation: 18 U.S.C. § 922

SUPERSEDING INDICTMENT

COUNT ONE

The Grand Jury charges that:

1. On or about June 16, 2022, in the Western District of Virginia and elsewhere, LYNN EDWARD ("PETIE") BOWEN II, knowing he had previously been convicted of a crime punishable by imprisonment for a term exceeding one year, and while knowingly being an unlawful user of and addicted to any controlled substance, knowingly possessed a firearm and ammunition, that is, a Smith & Wesson, Model 60, .38 caliber revolver and three rounds of .38 caliber ammunition, which were in and affecting commerce.

2. When LYNN EDWARD ("PETIE") BOWEN II committed the offense charged in this count, he had at least three previous convictions for serious drug offenses committed on occasions different from one another, including:

- Conviction in Wise County, Virginia Circuit Court on or about February 1, 2007 (Case No. F06-385), for distribution of a Schedule II controlled substance (Oxycontin), in violation of Virginia Code § 18.2-248, with an offense date of January 4, 2006;
- Conviction in Wise County, Virginia Circuit Court on or about July 13, 2011 (Case No. F10-634), for distribution of a Schedule II controlled substance

(oxycodone), in violation of Virginia Code § 18.2-248, with an offense date of November 10, 2009;

- Conviction in Wise County, Virginia Circuit Court on or about January 8, 2018 (Case No. F17-229), for manufacturing a controlled substance (methamphetamine), in violation of Virginia Code § 18.2-248, with an offense date of January 11, 2017; and
- Conviction in Wise County, Virginia Circuit Court on or about October 12, 2021 (Case No. F21-50), for possession with intent to manufacture, sell, give, or distribute a Schedule I/II drug (methamphetamine), in violation of Virginia Code § 18.2-248, with an offense date of January 1, 2021.

3. All in violation of Title 18, United States Code, Sections 922(g)(1), 922(g)(3), and 924(e).

NOTICE OF FORFEITURE

1. Upon conviction of the felony offense alleged in this Indictment, the defendant shall forfeit to the United States:

- a. any firearms and ammunition involved or used in the commission of said offenses, or possessed in violation thereof, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2. The property to be forfeited to the United States includes but is not limited to the following property:

- a. **Firearms/Ammunition**

- 1. Smith & Wesson, Model 60, .38 Caliber Revolver SN: R99428
 - 2. 3 Rounds Remington and Peters .38 Caliber Ammunition

3. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of any other property of the defendant up to the value of the above-described forfeitable property, pursuant to 21 U.S.C. § 853(p).

A TRUE BILL, this 22nd day of August, 2023.

/s/ Grand Jury Foreperson

Chris Kavanaugh by LUB

CHRISTOPHER R. KAVANAUGH
United States Attorney